

## ***REPORT TO THE JERICHO DEVELOPMENT REVIEW BOARD***

**DEVELOPMENT REVIEW BOARD HEARING DATE:** October 27, 2016

**REPORT PREPARATION DATE:** October 6, 2016

**APPLICATION TYPE:** Preliminary-Final Plat Review

**APPLICANT/OWNER:** Scott Simpson for Simpson High Meadow LLC

**DESCRIPTION:** A proposed 2 lot subdivision at 65 Bentley Lane the property is located within the Rural Agricultural Residential Districts and the Forestry District

**IDENTIFYING INFORMATION:**

LOCATION: 65 Bentley Lane

PARCEL NO: BL065

TOTAL ACREAGE: 201.76 Acres

ZONING DISTRICT(S): Rural Agricultural Residential & Forestry Districts

EXISTING USE: Signal Family Residence

PROPOSED USE: 2 lot subdivision.

**NOTICE OF PUBLIC WARNING/ ABUTTERS:**

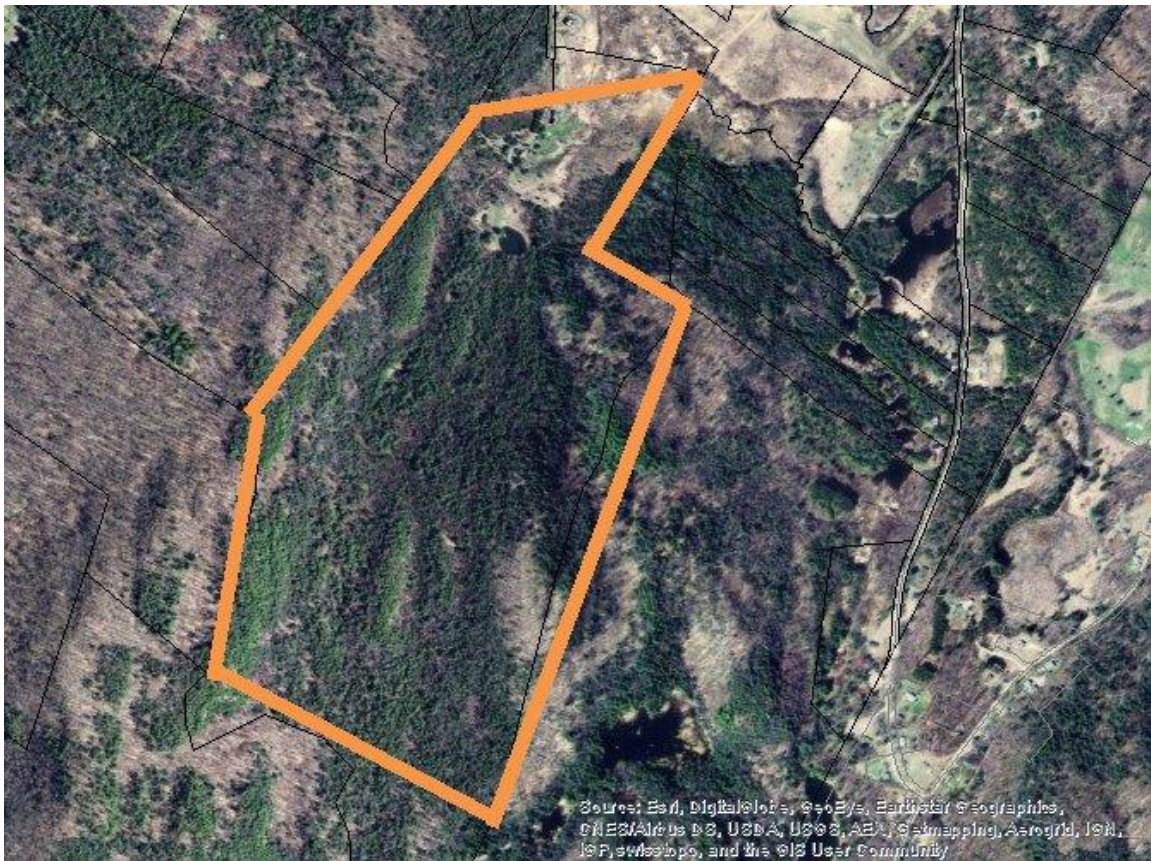
Notice of Public Warning published in the Mountain Gazette on: *10/6/2016*

Notice of Public Warning posted on: *10/11/2016*

Notice of Public Warning sent to abutters on: *10/5/2016*

Notice of Public Warning sent to the applicants on: *10/5/2016*

**LOCATION MAP:**



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## PROJECT OVERVIEW

*The applicant is proposing a 2 lot subdivision of 201.76 acres with the existing house and out buildings to be located on approximately 29 acres within and a new lot consisting of 172.5 acres located within the Rural Agricultural Residential & Forestry Zoning District.*

## PREVIOUS ACTIVITY

*Previous zoning permits have been granted to the property for improvements dating from 1978 through 2000 for various structures.*

## DEPARTMENTAL REVIEW AND COMMENTS

*This application is a for a minor subdivision, thus subject to §10.12. (Subdivision Review) and §11.0 (General Development Standards). This property is also located within the Rural Agricultural Residential & Forestry Districts.*

### **10.12. Subdivision Review**

**10.12.1. Purpose:** Subdivision review is intended to ensure orderly growth and coordinated development in the Town of Jericho, to guide community settlement patterns, to ensure the efficient extension of services, utilities, and facilities as land is developed, to promote the health, safety, and general welfare of the Town's inhabitants, and to implement the Jericho Comprehensive Town Plan as most recently amended.

**10.12.2. Applicability:** In accordance with the ACT [§4418], Subdivision Review by the DRB is required whenever any subdivision of land is proposed for the purpose of sale, lease or development.

**10.12.3.1** Minor subdivisions shall include any subdivision of land, or the re-subdivision of a previously subdivided parcel within a period of 120 months, that results in the creation of three [3] or fewer lots (not including open land in a PUD) and which does not require the construction of any new public or private roads. Minor subdivisions shall also include an amendment to an approved subdivision which does not result in a major subdivision. Minor subdivisions shall require final review approval pursuant to Section 10.12.9. *This application is being reviewed as a minor subdivision.*

**10.12.3.2.** Major subdivisions shall include any subdivision of land, or the resubdivision of a previously subdivided parcel within a period of 120 months, that results in the creation of four [4] or more lots (not including open land in a PUD) or which requires the construction of any new public or private streets. Major subdivisions shall require preliminary and final review approval pursuant to Section 10.12.8 and 10.12.9.

**10.12.4. Waiver Authority:** *No waiver is being requested.*

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#### **10.12.9.4. Legal Documents.**

*The final plat application for a minor or major subdivision shall be accompanied by the following legal documents. Should the Development Review Board determine it necessary to employ an attorney to review any legal documents, the costs of such attorney shall be paid by the applicant. Issues that may be reviewed include but are not limited to:*

**10.12.9.4.1.** *Information on all proposed publicly-owned land, Rights-Of-Way, or easements, including certificate of title, offer of irrevocable dedication, and warranty deed, free and clear of all encumbrances, to be recorded after final acceptance of all streets, easements, parks, or other open space by the Town.*

*The applicant is proposing a PRIVATE easement over lot #1 for access to the proposed lot #2. This easement should be reflected in the deeds and land records if this proposal is to be approved.*

**10.12.9.4.2.** *Copies of agreements or other documents showing the manner in which common property and/or space is to be maintained, including any conservation easements. Any common property and/or open space shall be defined and consistent with the approved site plan. Open space restrictions and reservations shall be permanent. All lots/units shall receive perpetual right for use of common properties and facilities, unless exempt from this requirement by specific action of the Development Review Board.*

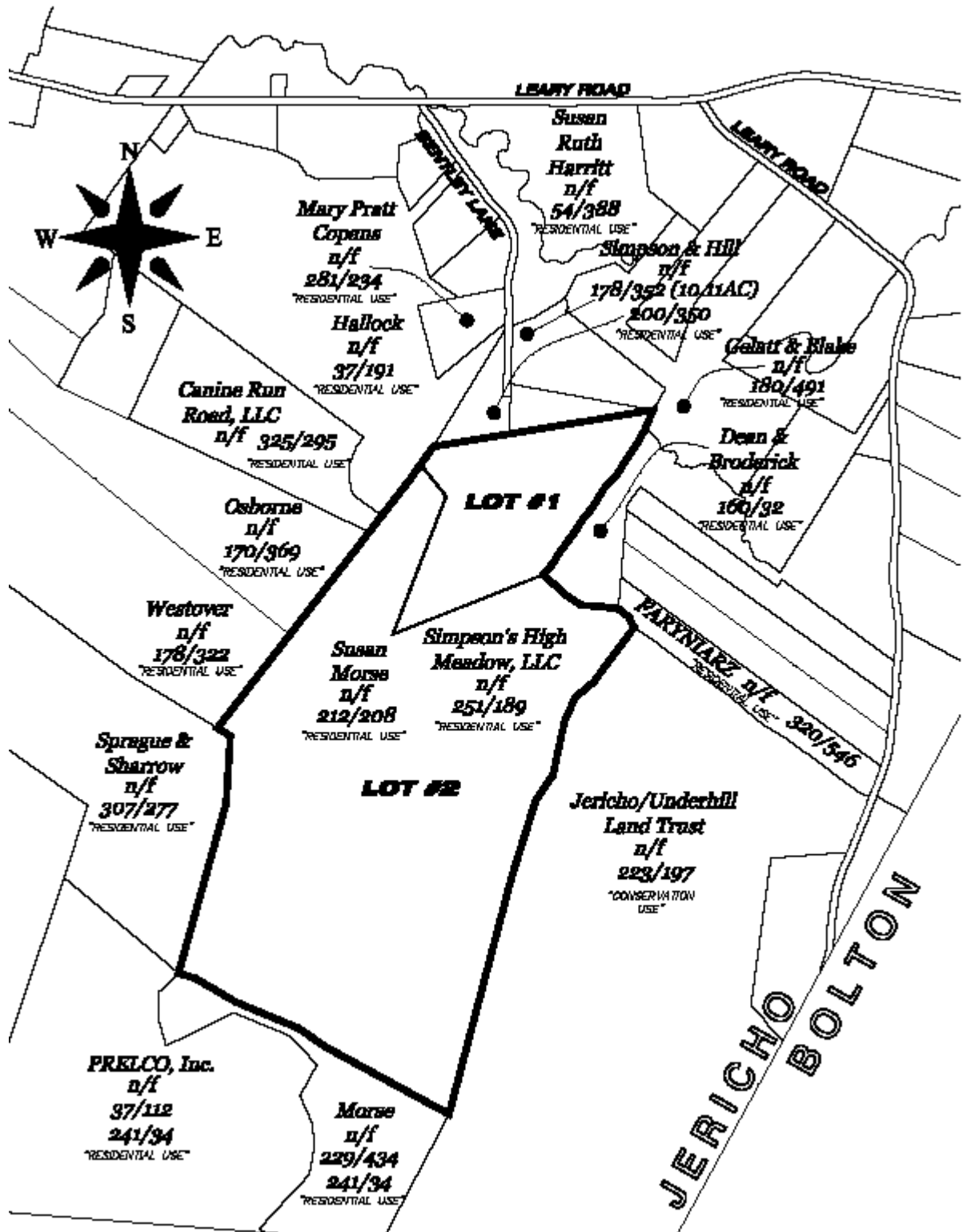
*There is no common property or open space contemplated within this application.*

**10.12.9.4.3.** *Bylaws, Articles of Incorporation, or Covenants of any homeowners association, declaration of condominium, or other applicable legal agreements. Homeowners association responsibility, mandatory membership, and lien able assessment power shall be provided for by the homeowners association documents and individual lot deeds. The association shall have the duty to obtain liability, property, and casualty insurance, and responsibility for expenses relating to management and maintenance of association-owned structures. A provision shall be included for Town takeover in the event of failure of essential services, including the power of the Town to appoint a receiver to assess the property for funds to cure defects in facilities.*

*There are no contemplated Bylaws, Articles of Incorporation, Homeowners Association, and Condominium Doc's. Please note the fore mentioned private ROW above.*

**10.12.9.4.4.** *All restrictions and covenants to be included in individual deeds. Condition of approval by the DRB*

**10.12.9.4.5.** *Any other data, such as contracts, certificates, affidavits, endorsements, receipts, or other materials or agreements which have been required by the Development Review Board or the Selectboard. The applicant should address if there are any, Staff is not aware of any.*





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## GENERAL DEVELOPMENT STANDARDS (10.12.5, 11.1-11.14)

### **11.1 Roads/Access**

*11.1.2. Private Driveways: No more than three [3] lots may be served by a private driveway. The interest of the owner of each lot served by a common or shared driveway shall be protected by an easement recorded in the deed of each lot involved. Private driveways shall have a maximum grade of 10%, a minimum width of 12', and be capable of supporting the weight of a two-axle, 40,000 pound vehicle.*

*As proposed there will be 3 lots served from the private driveway and there is a proposed ROW access to the proposed lot #2.*

### **11.2 Parking**

*11.2.3.3. Front Yard Parking: In order to enhance and maintain village character, parking to serve non-residential uses shall not be permitted between the front building line and the street in the Village and Village Center Districts*

*Not Applicable*

### **11.4 Lot Layout**

*11.4.1. Each lot shall have the minimum area and frontage required by these regulations, unless modified through the Planned Unit Development provisions in Section 10.13 of these regulations.*

*The proposed lots do not have any shown road frontage. Please see section 5.2.2 that address this concern. The proposal is compliant.*

*11.4.2. Lots shall be of sufficient size to provide an adequate building site with suitable areas and adequate isolation distances for sewage disposal and water supply both on site and neighboring properties. The Development Review Board may require larger lots than required by these regulations where deemed necessary because of conditions affecting drainage, sanitary sewage disposal, or water supply.*

*The applicant's proposal is compliant.*

*11.4.5. Each lot shall be provided with satisfactory access to a road meeting the requirements of Section 11.1 of these regulations.*

*Please see section 5.2.2 that address this concern. The proposal is compliant*

*11.4.8. The Development Review Board shall encourage lot layout that will preserve open space areas and significant natural resources. The proposal is compliant*

*11.4.8.1. Building Envelopes: All lots shall have designated building envelopes that shall not include areas within the Wetlands Overlay District, the River Overlay District, the WHPA-1 of the Wellhead Protection Area Overlay District, and the Natural Resources Protection Overlay District (except as provided by Section 6.7.5.1).*



*The proposed new lot is within a portion of the River Overlay Districts as well as it complies with this section of the regulations. There is no building or development contemplated.*

## **11.5. Grading/Slope/Ridgeline**

*11.5.1. All land development and subdivision shall be planned to retain, as much as possible, the natural contours and to conserve the natural cover and soil. The landscape shall be preserved in its natural state, as much as practical, by minimizing tree and soil removal and nonessential grading. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. **The proposal is compliant***

## **11.7. Water Supply and Sewage Disposal**

*11.7.1. No zoning permit shall be issued for any structure requiring facilities for water supply or sewage disposal, including a mobile home, in any district, unless applicable approvals have been obtained from the Vermont Agency of Natural Resources and/or the appropriate Water District.*

***Proposed condition for final plat approval.***

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### **11.7.3. Water Supply:**

**11.7.3.3** *If the development will not be served by a public water system, a community system, a system consisting of individual wells, or other means of providing water to the proposed development shall be designed and installed in accordance with all applicable State regulations and standards. Community water systems shall be designed in such a way that they may eventually be connected to the municipal water supply system. **Not applicable.***

**11.7.3.4.** *Evidence of the location and availability of potable water inadequate quantities shall be provided. The DRB may require the applicant to submit well yield information or provide other evidence that sufficient groundwater to serve the development is available. Due consideration in the location of community or individual water systems shall be given with respect to building sites, roadways, septic systems, floodwater levels, aquifer protection areas, and other factors affecting the potability of water supplies. **Not applicable.***

### **11.7.4. Sewage Disposal:**

**11.7.4.1.** *All wastewater disposal systems shall conform with the Environmental Protection Rules, Chapter 1, Waste Water and Potable Water Supply Rules published by the Agency of Natural Resources, as most recently amended.*

***Proposed condition for final plat approval.***

**11.7.4.2.** *The DRB may defer sewage disposal requirements for a new lot if said lot is greater in size than twenty-five [25] acres, or if the DRB determines that the lot is suitable for agricultural or open space purposes. Language indicating the deferral status for any such lot shall appear on the final plat and in any transfer deed.*

***A request has not been made or contemplated for this application.***

### **11.8. Landscaping:**

**11.8.4. Street and Shade Trees:** *In addition to plantings that may be required above for screening and/or buffering, all uses abutting a public way shall provide plantings of street trees.*

***No landscaping is contemplated at this time nor does it seem applicable.***

### **11.9. Site Layout and Design**

*The siting and architectural design of the project shall be compatible with existing and planned improvements and the character of the area in which it is to be located, as defined by the purpose of the zoning district, the Jericho Comprehensive Town Plan, and the standards listed below. The Development Review Board should encourage the use of a combination of common materials and architectural characteristics, landscaping, buffers, screens and visual interruptions to create attractive transitions between buildings of different architectural styles*

***No site design is proposed at this time.***

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**11.9.2. Rural Residential, Village, and Agriculture and Forestry Districts:** Site layout and design shall reinforce the rural landscapes of these districts. Development shall be sited to minimize, to the extent feasible, encroachments on natural resources and environmentally sensitive areas including steep slopes, open fields and prominent ridgelines and hillsides. Commercial uses shall be sited so as to blend with the predominately rural/residential character of these areas.

*There is no site layout or design proposed for the newly created lot #2 at this time.*

**11.10. Outdoor Storage:** *Not applicable*

**11.11. Outdoor Lighting:** *There is no lighting proposed.*

**11.12. Utilities**

**11.12.1.** All existing and proposed utilities and utility Rights-Of-Way/easements, including but not limited to electric, telephone, gas, fiber optic and cable television, shall be shown on the final plat. *Proposed condition for final plat approval*

**11.12.2.** All new utilities shall be placed underground from the nearest available port, unless the Development Review Board determines that burial of utilities would result in an undue adverse impact to natural resources or would be prohibitively expensive. Prior to approving overhead utilities, the DRB shall require independent technical review in accordance with Section 10.8.6 to determine if the above conditions are met. *Proposed condition for final plat approval*

**11.12.3.** The applicant shall coordinate development design with utility companies to ensure that suitable areas are available for underground installation within and adjacent to the proposed development. Utility easements of sufficient width shall be provided to serve both the proposed development, and future service extensions to adjoining properties. *Proposed condition for final plat approval*

**11.13. Storm Water**

**11.13.1.3.** Applicants are encouraged to incorporate Low Impact Development techniques and practices into the stormwater management system.

**11.13.2. Erosion and Sediment Control During Construction:**

**11.13.2.1.** At minimum, all construction shall comply with the erosion control practices detailed in the most recent version of the Vermont Agency of Natural Resources Low Risk Site Handbook for Erosion and Sediment Control.

*No site layout or design is proposed at this time on the newly created lot #2.*

**11.14. Performance Standards 11.14.1.** No land or structure in any zoning district shall be used or occupied in any manner that creates dangerous, injurious, noxious or otherwise objectionable conditions which adversely affect the reasonable use of adjoining or nearby properties). In accordance with the ACT [§§4414(5)], the following performance standards, as measured at the property line, must be met and maintained in all districts for all uses, except for agriculture and forestry. *Not applicable.*

**STAFF RECOMMENDATION:**

*Staff recommends that the application be approved as proposed with stated conditions.*